

Application No. 10/669,781  
Reply to Office Action of September 12, 2005

### REMARKS/ARGUMENTS

Claims 1-12 remain in this application.

Applicant's Attorney thanks the Examiner for his helpful suggestions in a telephone conversation on August 8, 2006.

#### Rejections under 35 USC 112

In Claim 10, the term "functional equivalents" has been deleted.

Applicants respectfully submit that the term "or a fragment thereof" is not vague and indefinite. One of ordinary skill in this art would be able to perform sequence alignments and BLAST comparisons to identify active sites and identify active fragments. The BLAST search is available at <http://www.ncbi.nlm.nih.gov>.

Claims 13 and 14 have been deleted.

Claims 1 to 14 have been amended to indicate that the isolated nucleic acid hybridizes to SEQ ID No 1 under high stringency conditions for Southern blotting. Applicant respectfully submits that one of ordinary skill in the art would readily understand what conditions are needed to provide high stringency for Southern blotting. Applicants will be happy to provide a Declaration that effect if the Examiner believes that it would be helpful.

In view of the amendment of the claims to include "high stringency conditions", Applicant respectfully submits that the enablement rejection to claims 1-14 is now moot. A limited number of non-specific binding would occur under high stringency conditions. Hence, the number of screening required would be minimal and would not require any undue experimentation.

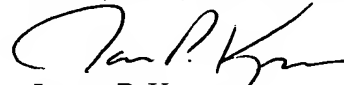
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CONCLUSION

Applicant respectfully submits that the current claims patentably define the invention over the references and requests that a timely Notice of Allowance be issued in this case. The Commissioner is hereby authorized to charge any additional fees which may be required in the Application to Deposit Account No. 06-1135.

Respectfully submitted,

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